BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE SALE, RESALE, AND OTHER PROVISIONS OF INTRASTATE TELECOMMUNICATIONS SERVICES (OPENED MAY 1, 1984; REOPENED NOVEMBER 17, 1998; REOPENED JULY 24, 2001; REOPENED AUGUST 9, 2005; REOPENED AUGUST 19, 2014)	PSC REGULATION DOCKET NO. 10
IN THE MATTER OF THE DEVELOPMENT OF REGULATIONS FOR THE FACILITATION OF COMPETITIVE ENTRY INTO THE TELECOM-MUNICATIONS LOCAL EXCHANGE SERVICE MARKET (OPENED NOVEMBER 21, 1995; REOPENED NOVEMBER 17, 1998; REOPENED JULY 24, 2001, REOPENED AUGUST 9, 2005; REOPENED AUGUST 19, 2014)	PSC REGULATION DOCKET NO. 45
IN THE MATTER OF THE PROPOSED ADOPTION OF REGULATIONS GOVERNING THE MINIMUM SERVICE REQUIREMENTS FOR THE PROVISION OF TELEPHONE SERVICE FOR PUBLIC USE WITHIN THE STATE OF DELAWARE (OPENED DECEMBER 13, 1988; REOPENED AUGUST 19, 2014)	PSC REGULATION DOCKET NO. 20

ORDER NO. 8618

This 19th day of August, 2014, the Commission determines and Orders the following:

A. BACKGROUND AND SUMMARY

1. Several years ago, this Commission adopted its "Rules For The Provision of Telecommunications Services" ("Regulation Docket Nos. 10 & 45 Rules"), which included not only criteria related to the initial certification of telecommunication companies to provide intrastate services but also explained how the Commission will supervise these telecommunication companies' offerings and prices, and

adopted its "Regulations Governing the Minimum Service Requirements For the Provision of Telephone Service for Public Use Within the State of Delaware ("Regulation Docket No. 20 Rules").

2. By this Order, the Commission now proposes to update these Rules in light of the passage of Delaware House Bill No. 96 which took effect on July 15, 2013. The legislative revisions to Title 26 of the Delaware Code reduces the oversight of telecommunications services. The proposed changes to these Rules are meant to even the playing field for both the telecommunications providers electing to be regulated pursuant to Subchapter VII-A of Title 26 of the Delaware Code and the telecommunications providers regulated under these Regulation Dockets.

B. AUTHORITY FOR AMENDMENTS

3. The Commission is generally empowered to promulgate regulations governing the operations of public utilities. See 26 Del. § 209(a)(1). In addition, since 1992, the Commission has been authorized to adopt alternative forms of regulation for telecommunications carriers, including both de-tariffing and deregulation. See 26 Del. C. § 703(3)(2004 Supp.).

C. SUMMARY OF THE REVISIONS

4. The proposed revisions to the Regulation Docket Nos. 10 & 45 Rules include deleting obsolete definitions, deleting rules in which the Commission no longer has authority and limits the certification requirements of new carriers, who want to provide telecommunications services in Delaware.

5. The Regulation Docket No. 20 Rules are being eliminated in their entirety. According to 26 *Del. C.* § 705, switched access services and local exchange telecommunication services to an individual residential customer who has no alternative telecommunication service provider available to her/him are basic services. All other services are competitive services. The Federal Communications Commission regulates the price, terms and conditions of switched access service for both intrastate and interstate. Pursuant to 26 *Del. C.* § 706, competitive services can be added, revised, and abandoned without notification to the Commission. Also, it is highly unlikely that there are any residential customers in Delaware that have no alternative telecommunications service providers available to her/him. Therefore, Staff believes that the Regulation Docket No. 20 Rules are no longer necessary.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That, pursuant to 26 Del. C. §§ 209 and 703(3), the Commission proposes to amend its "Rules for the Provision of Telecommunications Services" (Dockets 10 and 45) and eliminate "Regulations Governing the Minimum Service Requirements For the Provision of Telephone Service for Public Use Within the State of Delaware"(Docket 20). The proposed rules are set forth in **Exhibit "A"** to this Order and the redlined version of the existing rules are set forth in **Exhibit "B".**

2. That, pursuant to 29 Del. C. §§ 1133 & 10115, the Secretary shall transmit a copy of this Order, with the attached exhibits, to the Registrar of Regulations for publication in the Delaware Register of Regulations.

3. That, pursuant to 26 Del. C. § 209 and 29 Del. C. § 10115(a)(2) & (b), the Secretary shall cause the form of public notice attached as **Exhibit "C"** to be published in two-column format, outlined in black, in the following two newspapers on the following dates:

The News Journal (August 26, 2014)

Delaware State News (August 27, 2014)

The Secretary shall also ensure, pursuant to 29 Del. C. § 10115, that a copy of such notice is sent to the Registrar of Regulations for its publication in the Register of Regulations. In addition, the Secretary shall mail a copy of this Order, with its exhibits, to the Division of the Public Advocate and to all persons or entities who have made written requests for advanced notice of this Commission's rule-making proceedings. The Secretary shall file a certification of the completion of these tasks by September 15, 2014.

4. That interested persons or entities may submit written suggestions, compilations of data, briefs, or other written materials concerning these proposed amendments on or before Friday, November 7, 2014. Pursuant to 26 Del. C. §209(a), the Commission, through its designated Hearing Examiner, will hold a public hearing on the proposed amendments on Wednesday, November 19, 2014, beginning at

10:00 AM in the Third Floor Conference Room of the Carvel State Office Building, 820 North French Street, Wilmington, Delaware.

5. That, pursuant to 26 Del. C. § 502 and 29 Del. C. § 10117, the Commission designates Hearing Examiner R. Campbell Hay to organize, classify, summarize, and make recommendations concerning the rule changes proposed by this Order in light of the submitted materials and public hearings. Hearing Examiner Hay is specifically authorized to conduct further hearings or direct submission of additional documents if deemed necessary or appropriate.

6. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper by Order of the Commission.

BY ORDER OF THE COMMISSION:

_____
Chair

_____
Vice Chair

_____
Commissioner

_____
Commissioner

_____
Commissioner

ATTEST:

_____
Secretary

E X H I B I T "A"

Public Service Commission
4001 Rules for the Provision of Telecommunications Services (Dockets 10 and 45)

Docket 10 The Sale, Resale and Other Provisions of Intrastate Telecommunications Services
Docket 45 Regulations For The Facilitation of Competitive Entry into the Telecommunications Local Exchange Service Market

Effective: December 10, 2001

PART A
CERTIFICATION AND REGULATION OF CARRIERS

1.0 Definitions

"Carrier" shall mean any person or entity offering to the public Telecommunications service that originates or terminates with the State of Delaware. The term "Carrier" does not include:

- Any political subdivision, public or private institution of higher education or municipal corporation of this State or operated by their lessees or operating agents that provides telephone service for the sole use of such political subdivision, public or private institution of higher learning or municipal corporation;
- A company that provides telecommunications services solely to itself and its affiliates or members or between points in the same building, or between closely located buildings which are affiliated through substantial common ownership and does not offer such services to the available general public;
- Providers of domestic public land mobile radio services provided by cellular technology excluded from the Commission's jurisdiction under 26 ***Del.C.*** §202(c);
- Payphone service providers regulated by this Commission under Rules promulgated in Regulation Docket No. 12; and
- Providers of Voice over Internet Protocol or other IP-enabled service as defined in 26 *Del. C.* § 202(i)..

"CPCN" shall mean a Certificate of Public Convenience and Necessity issued by the Commission.
"Commission" shall mean the Public Service Commission of Delaware.
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"Local Telecommunications Exchange Service" shall mean non-toll, intrastate Telecommunications Services provided over a Local Exchange Carrier's network, including, but not limited to, exchange access services and basic local services.
"Rules" shall mean these Rules, including PARTS A and B, governing the provision of telecommunications services in Delaware.
"Telecommunications" shall mean the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form and content of the information as sent and received.
"Telecommunications Service" shall mean the offering of telecommunications for a fee directly to the public within the State of Delaware (originating or terminating within the State, without regard to how the Carrier decides to route the traffic), or to such classes of users as to be effectively available to the public, regardless of the facilities used. "Telecommunications Service" does not include:

- The rent, sale, lease or exchange for other value received, of customer premises equipment, except for specialized terminal equipment as defined in 48 U.S.C. §610(g);
- Telephone or telecommunications answering services, paging services, and physical pickup and delivery incidental to the provision of information transmitted through electronic or electromagnetic media, including light transmission;
- The one-way distribution of entertainment services or informational services with no more than incidental customer interaction required for selection of such entertainment or information services; and
- Telecommunications service provided by either primary cellular technology or by domestic public land mobile radio service, even in the event that such transmission originates or terminates in a wireline telephone.

2.0 Applicability

These Rules shall apply to all new Carriers, as defined by these Rules, and shall be construed consistently with Rule 3 of these Rules.

3.0 Application With Other Rules or Regulations

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3.1 Rules of Practice and Procedure.

The practice and procedure governing any proceedings required or authorized by these Rules shall be as set forth by the Commission's Rules of Practice and Procedure adopted in PSC Docket No. 99-9, by Order No. 5057 (April 6, 1999) as the same may be hereafter from time to time amended. See 1001 General Regulations.

4.0 Certification

4.1 Certification Requirement.

No person or entity shall offer public intrastate or local exchange telecommunications service within the State of Delaware without first obtaining from the Commission a Certificate of Public Convenience and Necessity authorizing such service. A Carrier offering telecommunications service within the State of Delaware without a CPCN duly issued by this Commission is acting unlawfully and shall immediately cease offering such service until a CPVN is granted.

4.2 Application.

An applicant for a CPCN shall file with the Commission in the format described in 26 Del. Admin. C. § 1001-1.6.3, together with the statutory filing fee set forth in 26 ***Del. C.*** §114, as the same may from time to time be amended. Such application shall contain all the information and exhibits hereinafter required and may contain such additional information as the applicant deems appropriate to demonstrate to the Commission that it possesses the technical, financial and operational ability to adequately serve the public and that the public convenience and necessity requires or will require the operation of such business. If the applicant fails to provide the required information and exhibits within six months of the application, the Commission may take action to close this docket and the applicant will forfeit its application fee.

4.3 Notice.

The applicant shall serve a notice of the filing of such application upon the Public Advocate, and to such other entities as may be required by the Commission. The applicant shall provide public notice of the filing of the application in one (12) newspaper having general circulation throughout the county or counties where service is to be offered in a form to be prescribed by the Commission.

4.4 Business License and Registered Agent.

An applicant shall demonstrate that it is legally authorized and qualified to do business in the State of Delaware, including that it has received authorization to do business issued by the Secretary of State. An applicant shall provide the name, address, and telephone number of its Delaware Resident Agent. Following certification, all Carriers shall

promptly notify the Commission in writing of changes of Resident Agent or the name, address, or telephone number thereof.

4.5 Initial Tariffs or Price Lists.
An applicant shall file proposed initial rates, prices, rules, regulations, terms and conditions of service for switched access services . Any revisions to this tariff must be filed with the Commission. An applicant may file tariffs or price lists for other services or provide a website link to its tariff or price list which the Commission will post on its website.

4.6 Demonstration of Fitness.

4.6.1 An applicant shall be required to demonstrate to the Commission its financial, operational, and technical ability to render service within the State of Delaware. Such demonstration shall include, but is not limited to, the following:

4.6.1.1 The applicant's certified financial statements current with twelve (12) months of the filing, and, where applicable, the most recent annual report to shareholders and SEC Form 10-K;

4.6.1.2 A brief narrative description of the applicant's proposed operations in Delaware, any present operations in all other states, and states for which service applications are pending;

4.6.1.3 A description of the relevant operations experience of applicant's personnel principally responsible for the proposed Delaware operations;

5.0 Abandonment or Discontinuation of Service

A Carrier may abandon or discontinue service, in whole or in part, in accordance with the terms of 26 *Del. C.* § 706(d) for carriers electing to be governed under subchapter VIIA of Title 26 or § 203(A)(c), for non-electing carriers. .

6.0 Services to be Provided by Carriers providing local telecommunications exchange service

6.1 Any Carrier providing local telecommunications exchange service shall provide to its customers::

6.11 Access to 911 enhanced emergency system;

6.12 Access to telecommunications relay service.

7.0 Waiver of Rules Upon Petition

A Carrier may petition the Commission for waiver of a Rule or Rules on a temporary or permanent basis by demonstrating to the satisfaction of the Commission that a waiver is in the public interest or for other cause, including unreasonable hardship or burden. The Carrier shall comply with all Rules until the petition for waiver has been granted.

4003 Regulations Governing the Minimum Service Requirements for the Provision of Telephone Service for Public Use within the State of Delaware

THESE RULES ARE BEING DELETED.

E X H I B I T "B"

Public Service Commission
4001 Rules for the Provision of Telecommunications Services (Dockets 10 and 45)

PART A
CERTIFICATION AND REGULATION OF CARRIERS

Docket 10	The Sale, Resale and Other Provisions of Intrastate Telecommunications Services
Docket 45	Regulations For The Facilitation of Competitive Entry into the Telecommunications Local Exchange Service Market

Effective: ~~December 10, 2001~~

PART A
CERTIFICATION AND REGULATION OF CARRIERS

5.0 Definitions

"Carrier" shall mean any person or entity offering to the public Telecommunications service that originates or terminates with the State of Delaware. The term "Carrier" does not include:

- Any political subdivision, public or private institution of higher education or municipal corporation of this State or operated by their lessees or operating agents that provides telephone service for the sole use of such political subdivision, public or private institution of higher learning or municipal corporation;
- A company that provides telecommunications services solely to itself and its affiliates or members or between points in the same building, or between closely located buildings which are affiliated through substantial common ownership and does not offer such services to the available general public;
- Providers of domestic public land mobile radio services provided by cellular technology excluded from the Commission's jurisdiction under 26 ***Del.C.*** §202(c)~~©~~; ~~and~~
- Payphone service providers regulated by this Commission under Rules promulgated in Regulation Docket No. 12; and
- Providers of Voice over Internet Protocol or other IP-enabled service as defined in 26 *Del. C.* § 202(i)..

"CPCN" shall mean a Certificate of Public Convenience and Necessity issued by the Commission.

"Commission" shall mean the Public Service Commission of Delaware.

~~**"Competitive Local Exchange Carrier ("CLEC")"** shall mean a Carrier, other than the Incumbent Local Exchange Carrier, offering and/or providing local telecommunications exchange services Inc., and any successor thereto.~~

~~**"Facilities-based Carrier"** shall mean a Local Exchange Carrier that directly owns, controls, operates, or manages plant and equipment through which it provides local exchange services to consumers within the local exchange portion of the public switched network.~~

~~**"Local Exchange Carrier ("LEC")"** shall mean a Carrier offering and/or providing local telecommunications exchange services (i.e., CLECs and ILECs); including both facilities-based and non-facilities-based Carriers~~.

"Local Telecommunications Exchange Service" shall mean non-toll, intrastate Telecommunications Services provided over a Local Exchange Carrier's network, including, but not limited to, exchange access services and basic local services.

~~**"Resale"** shall mean the sale to an end user of any telecommunications service purchased from another Carrier.~~

"Rules" shall mean these Rules, including PARTS A and B, governing the provision of telecommunications services in Delaware.

"Telecommunications" shall mean the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form and content of the information as sent and received.

"Telecommunications Service" shall mean the offering of telecommunications for a fee directly to the public within the State of Delaware (originating or terminating within the State, without regard to how the Carrier decides to route the traffic), or to such classes of users as to be effectively available to the public, regardless of the facilities used. "Telecommunications Service" does not include:

- The rent, sale, lease or exchange for other value received, of customer premises equipment, except for specialized terminal equipment as defined in 48 U.S.C. §610(g);
- Telephone or telecommunications answering services, paging services, and physical pickup and delivery incidental to the provision of information transmitted through electronic or electromagnetic media, including light transmission;
- The one-way distribution of entertainment services or informational services with no more than incidental customer interaction required for selection of such entertainment or information services; and
- Telecommunications service provided by either primary cellular technology or by domestic public land mobile radio service, even in the event that such transmission originates or terminates in a wireline telephone.

6.0 Applicability

These Rules shall apply to all new Carriers, as defined by these Rules, and shall be construed consistently with Rule 3 of these Rules.

7.0 Application ~~of and Conflict~~ With Other Rules~~,~~ or Regulations~~, Tariffs and/or Price Lists~~

~~7.1 The ILEC~~

~~7.1.1 The ILEC will remain subject to the Telecommunications Technology Investment Act (TTIA), 26 *Del.C.* sub. Ch. VII A, and any implementing regulations promulgated by the Commission during the term of its election thereunder. During such term, the ILEC shall not be subject to the requirements of these Part A Rules; and~~

~~7.1.2 The ILEC has Carrier of last resort obligations in its service territory.~~

~~7.2 Telephone Service Quality Regulations (Docket No. 20).~~

~~All Carriers shall provide telephone service in accordance with the Telephone Service Quality Regulations the Commission adopted in PSC Regulation Docket No. 20, by Order No. 3232 (January 15, 1991) as such may from time to time be amended, except to the extent these Rules impose obligations or grant privileges inconsistent therewith~~.

~~7.3 Negotiation and Mediation Guidelines.~~

~~All Carriers must abide by the Commission's Guidelines for Negotiations, Mediation, Arbitration and Approval of Agreements between Local Exchange Telecommunications Carriers (Order No. 4245).~~

~~7.4~~7.1 Rules of Practice and Procedure.

The practice and procedure governing any proceedings required or authorized by these Rules shall be as set forth by the Commission's Rules of Practice and Procedure adopted in PSC Docket No. 99-9, by Order No. 5057 (April 6, 1999) as the same may be hereafter from time to time amended. See 1001 General Regulations.

~~7.5 Other Rules and Statutes.~~

~~These Rules shall prevail over any inconsistent requirements imposed by prior Order or regulation of the Commission, except for Rule 3.1 preceding and where expressly~~

~~authorized by a Commission Order granting a waiver. All Carriers remain subject to any and all applicable provisions of state and federal law.~~

~~7.6 Tariffs or Price Lists.~~

~~To the extent that a tariff or price list of any Carrier is inconsistent with these Rules, then, and in that event, these Rules shall control, subject to Rule 3.1 preceding, unless where expressly authorized by a Commission Order granting a waiver.~~

8.0 Certification

8.1 Certification Requirement.

No person or entity shall offer public intrastate or local exchange telecommunications service within the State of Delaware without first obtaining from the Commission a Certificate of Public Convenience and Necessity authorizing such service. A Carrier offering telecommunications service within the State of Delaware without a CPCN duly issued by this Commission is acting unlawfully and shall immediately cease offering such service until a CPVN is granted.

8.2 Application.

An applicant for a CPCN shall file with the Commission in the format described in 26 Del. Admin. C. § 1001-1.6.3, ~~an original and ten (10) copies of an Application for Certificate of Public Convenience and Necessity,~~ together with the statutory filing fee set forth in 26 ***Del. C.*** §114, as the same may from time to time be amended. Such application shall contain all the information and exhibits hereinafter required and may contain such additional information as the applicant deems appropriate to demonstrate to the Commission that it possesses the technical, financial and operational ability to adequately serve the public and that the public convenience and necessity requires or will require the operation of such business. If the applicant fails to provide the required information and exhibits within six months of the application, the Commission may take action to close this docket and the applicant will forfeit its application fee.

8.3 Notice.

The applicant shall serve a notice of the filing of such application upon the Public Advocate, and to such other entities as may be required by the Commission. The applicant shall provide public notice of the filing of the application in one~~two~~ (12) newspaper~~s~~ having general circulation throughout the county or counties where service is to be offered in a form to be prescribed by the Commission.

8.4 Business License and Registered Agent.

An applicant shall demonstrate that it is legally authorized and qualified to do business in the State of Delaware, including that it has received authorization to do business issued by the Secretary of State. An applicant shall provide the name, address, and telephone number of its Delaware Resident Agent. Following certification, all Carriers shall promptly notify the Commission in writing of changes of Resident Agent or the name, address, or telephone number thereof.

~~8.5 Identification and Billing of Intrastate and Interstate Traffic.~~

~~An applicant shall be required to set forth an effective plan for identifying and billing intrastate versus interstate traffic, and shall pay the appropriate LEC for access at the LEC's prevailing access charge rates. If adequate means of categorizing traffic as interstate versus intrastate are or cannot be developed, then , for purposes of determining the access charge to be paid to the LEC for such undetermined traffic, the traffic shall be deemed to be of the jurisdiction having the higher access charges and billed at the higher access charges.~~

~~8.6 Bonds.~~

~~8.6.1 All applicants must post a $10,000 performance bond with Delaware surety and renew such bond annually.~~

~~**8.6.2** Carriers requiring deposits, or any form of payment in advance for service.~~

~~No Carrier shall require its customers in Delaware to pay a deposit or pay or otherwise provide any security or advance as a condition of service unless that Carrier first has filed with the Commission a bond, issued by a corporate surety licensed to do business in Delaware, guaranteeing the repayment of all customer deposits and~~

~~advances upon the termination of service. The bond need not be filed with the application, but no CPCN will be issued until such bond is filed with the Commission. The amount of the bond shall be the greater of: (A) 150% of the projected balance of deposits and advances at the end of three years of operation; or (B) $50,000. If at any time the actual amount of deposits and advances held by a Carrier exceeds the bond, then the Carrier promptly shall file with the Commission a bond with surety to comply with the requirement of the preceding sentence. A Carrier may petition for waiver of the bond requirement three years from the date of certificate was issued and such waiver will be granted upon a demonstration of an adequate operating history and financial resources to insure the repayment to customers of any advance payments or deposits held.~~

~~8.6.3 In order to comply with Rule 4.6.1 or 4.6.2, an applicant or carrier may file an irrevocable stand-by Letter of Credit in lieu of a bond executed by a Delaware corporate surety. Such Letter of Credit shall:~~

~~8.6.3.1 allow a draw or demand against such Letter in the amount prescribed by Rule 4.6.1;~~

~~**8.6.3.2** be irrevocable, and not subject to modification, except upon the consent of the Commission;~~

~~**8.6.3.3** be issued by a federal or state chartered financial institution which does business in Delaware or be subject to an agreement with a confirming bank doing business in Delaware that such confirming bank will honor drafts or demands under such Letter;~~

~~**8.6.3.4** be consistent with provisions of 6 ***Del.C.*** §§5-101 through 5-117 and include terms that make Delaware law govern the relationship between the issuer and the Commission as beneficiary;~~

~~**8.6.3.5** name the Commission as the beneficiary under such Letter; and~~

~~**8.6.3.6** contain terms obligating the issuer to honor demands upon presentation of an Order, ruling, or decision from the Commission which finds, determines, or reports that the carrier is: (1) liable for a specified monetary sanction for its failure to perform an obligation imposed by the Public Utility Act, a Commission rule or regulation, or an Order of the Commission (Rule 4.6.1); or (2) is liable to refund an amount representing prepaid deposits or advances paid by customers of the carrier (Rule 4.6.2).~~

~~**8.6.3.7** The form and terms of the Letter of Credit shall be subject to approval by the Commission Staff.~~

~~8.7 Minimum Financial Requirements for LECs.~~

~~8.7.1 Any applicant for certification as a facilities-based CLEC shall demonstrate in its application that it possesses a minimum of $100,000 of cash or cash equivalent, reasonably liquid and readily available;~~

~~**8.7.2** Any applicant for certification to do business as a non-facilities-based CLEC shall demonstrate in its application that it possesses a minimum of $25,000 of cash or cash equivalent, reasonably liquid and readily available;~~

~~**8.7.3** Any applicant that has profitable interstate operations or operations in other states may meet the minimum financial requirements of subparagraphs 4.7.1 and 4.7.2 above by submitting an audited balance sheet and income statement demonstrating sufficient cash flow to meet the above requirements; and~~

~~**8.7.4** An applicant may demonstrate cash or cash equivalent by the following:~~

~~8.7.4.1 Cash or cash equivalent, including cashier's check, sight draft, performance bond proceeds, or traveler's check;~~

~~8.7.4.2 Certificate of deposit or other liquid deposit, with a reputable bank or other financial institution;~~

~~8.7.4.3 Preferred stock proceeds or other corporate shareholder equity, provided that use is restricted to maintenance of working capital for a period of at least twelve (12) months beyond certification of the applicant by the Commission;~~

8.7.4.4 Letter of credit, issued by a reputable bank or other financial institution, irrevocable for a period of at least 12 months beyond certification of the applicant by the Commission;

8.7.4.5 Line of credit, issued by a reputable bank or other financial institution, irrevocable for a period of at least 12 months beyond certification of the applicant by the Commission;

8.7.4.6 Loan, issued by a qualified subsidiary, affiliate of applicant, or a qualified corporation holding a controlling interest in the applicant, irrevocable for a period of at least twelve (12) months beyond certification of the applicant by the Commission, and payable on an interest-only basis for the same period;

8.7.4.7 Guarantee, issued by a corporation, copartnership, or other person or association, irrevocable for a period of at least twelve (12) months beyond certification of the applicant by the Commission;

8.7.4.8 Guarantee, issued by a qualified subsidiary, affiliate of the applicant, or a qualified corporation holding controlling interests in the applicant irrevocable for a period of at least twelve (12) months beyond the certification of the applicant by the Commission.

8.88.5 Initial Tariffs or Price Lists.

8.8.1 An applicant shall file proposed initial rates, prices, rules, regulations, terms and conditions of service for switched access services specifically adopted for the State of Delaware. Any revisions to this tariff must be filed with the Commission. An applicant may file tariffs or price lists for other services or provide a website link to its tariff or price list which the Commission will post on its website. Upon an investigation into unjust and unreasonable pricing practices, the Commission Staff may require the applicant to provide cost data demonstrating that rates are reasonably expected to cover the incremental cost of offering the service. Copies of the applicant's rates and terms and condition of service in other jurisdictions must be provided to the Commission upon request. Any applicant's tariff or price lists must include at a minimum specific policies regarding:

8.8.2 customer deposits and advances;

8.8.3 prompt reconciliation of customer billing problems and complaints; and

8.8.4 timely correction of service problems.

8.98.6 Demonstration of Fitness.

8.9.18.6.1 An applicant shall be required to demonstrate to the Commission its financial, operational, and technical ability to render service within the State of Delaware. Such demonstration shall include, but is not limited to, the following:

8.9.1.18.6.1.1 The applicant's certified financial statements current with twelve (12) months of the filing, and, where applicable, the most recent annual report to shareholders and SEC Form 10-K;

8.9.1.28.6.1.2 A brief narrative description of the applicant's proposed operations in Delaware, any present operations in all other states, and states for which service applications are pending;

8.9.1.38.6.1.3 A description of the relevant operations experience of applicant's personnel principally responsible for the proposed Delaware operations;

8.9.1.4 A specific description of the applicant's engineering and technical expertise showing its qualifications to provide the intended service, including the names, addresses, qualifications of the officers, directors, and technical or engineering personnel or contractors who will be operating and/or maintaining the equipment to be used to provide such service; and

8.9.1.5 A description, including location, of the applicant's facilities that the applicant will use to provide the proposed service in the next three years. Upon written request of the Commission Staff, the applicant shall provide a one year construction, maintenance, engineering, and financial plan for all services

~~intended to be provided within the State of Delaware with a technical description of the equipment which will be used to provide such service.~~

~~**9 DE Reg 1390 (03/01/06)**~~

~~**9.0 New Options or Offerings; Changes to Existing Rates, Prices or Terms and Conditions**~~

~~9.1 Notice Required for New Service Options and Offerings.~~

~~No Carrier shall offer new telecommunications service options or offerings except ten (10) days after filing with the Commission the proposed tariff or price list.~~

~~9.2 Notice Required to Revise Existing Tariff or Price List.~~

~~No Carrier shall revise an existing tariff or price list except three (3) days after filing with the Commission the proposed tariff or price list.~~

~~9.3 Service of Notice.~~

~~9.3.1 A Carrier filing a new service or changes to an existing service pursuant to this Rule shall serve the filing on:~~

~~9.3.1.1 the Public Advocate; and~~

~~9.3.1.2 all interested persons that submit a written request to the Commission to receive such notice.~~

~~9.3.1.2.1 A Carrier shall file with the Commission a certificate of service as part of its notice requirement. To the extent that any such documents contain information claimed to be proprietary and interested persons have submitted a written request for notice, but have not executed an appropriate proprietary agreement, the Commission shall provide an expurgated version of the notice to such parties.~~

~~5.4 Investigation of Filings.~~

~~A filing made pursuant to this rule shall not preclude the Commission or its Staff from an informal or formal investigation into the filing in order to protect fair competition, including requiring the Carrier to provide cost data demonstrating that rates are reasonably expected to cover the incremental cost of offering the service.~~

~~5.5 Special Contracts.~~

~~A Carrier shall file under this rule all contracts with a customer to the extent the contract changes the terms or conditions generally offered to the public in the carrier's tariff or price list on file with the Commission.~~

~~**6.0 Discrimination Prohibited**~~

~~No Carrier shall unreasonably discriminate among persons requesting a service within the State of Delaware. Any finding of unreasonable discrimination shall be grounds for suspension or revocation of the Certificate of Public Convenience and Necessity granted by the Commission, as well as the imposition of monetary and other penalties pursuant to 26 ***Del.C.*** §§217 and 218.~~

6.0 Abandonment or Discontinuation of Service

A Carrier may abandon or discontinue service, in whole or in part, in accordance with the terms of 26 ***Del.C.*** ~~§203A(c)~~ § 706(d) for carriers electing to be governed under subchapter VIIA of Title 26 or § 203(A)(c), for non-electing carriers. ~~The Carrier shall provide notice of its application to discontinue or abandon service to its customers subscribing to such service and to the Division of Public Advocate. Such notice shall describe the options available to the customers. The Carrier's application to abandon or discontinue a service shall contain proposed provision for payment of all relevant outstanding liabilities (deposits and advance payments), if any, to customers within the State of Delaware~~.

7.0 Services to be Provided by ~~CLECs Providing Voice Telephone Service~~ Carriers providing local telecommunications exchange service

7.1 Any Carrier ~~CLEC~~ providing ~~voice telephone~~ local telecommunications exchange service shall provide to its customers:~~offer, at a minimum, the following telecommunication services to its customers~~:

~~7.1.1 access to the public switched network;~~

7.1.2 dial tone line services;
7.1.3 local usage services;
7.1.4 access to all available long distance Carriers;
7.1.5 TouchTone services;
7.1.6 White page listing;
7.1.77.1.1 Access to 911 enhanced emergency system;
7.1.8 Local directory assistance service;
7.1.97.1.2 Access to telecommunications relay service.

8.0 Resale Prohibitions

8.1 Cross-Class Selling.

A Carrier that by tariff or price list makes a service available only to residential customers or a limited class of residential customers may prohibit the purchaser from offering such services to classes of customers that are not eligible for such services from the providing Carrier.

8.2 Other.

With respect to any restrictions on resale other than cross-class selling as described in paragraph 9.1 above, a Carrier may impose a restriction only if the Commission determines that the restriction is reasonable and nondiscriminatory.

Reports to the Commission.

8.3 Annual and Periodic Reports.

8.3.1 All Carriers shall file with the Commission an Annual Report as described below and such other reports or information as the Commission may from time to time require to fulfill its statutory obligations. The Annual Report shall include standard financial reports (balance sheet, statement of operations, supporting schedules, etc.). This report shall also include:

8.3.1.1 the same after-the-fact information that management is provided concerning the measurement of performance provided in Delaware;
8.3.1.2 the information used to determine Delaware income tax liability;
8.3.1.3 financial and operating information for the smallest management unit that includes Delaware;
8.3.1.4 intrastate revenues (net of uncollectible) by service category;
8.3.1.5 intrastate access and billing and collection cost by service category;
8.3.1.6 total number of customers by service category;
8.3.1.7 total intrastate minutes of use by service category;
8.3.1.8 total intrastate number of calls by service category;
8.3.1.9 a description of service offered;
8.3.1.10 a description of each complaint received by service category (in the form of a single Complaints Log; and
8.3.1.11 verification of deposits, customer advances, the bond requirement and the bond with surety, where applicable.

8.4 Accounting System.

All Carriers shall use an accounting system in accordance with Generally Accepted Accounting Principles or such other uniform system of accounts previously approved in writing by the Chief of Technical Services of the Commission.

8.5 Attestation.

All Carriers shall file all reports required by these Rules with a sworn statement by the person under whose direction the report was prepared, that the information provided in the report is true and correct to the best of the person's knowledge and belief.

8.6 Time for Filing.

8.6.1 All periodic reports to be filed with this Commission must be received on or before the following due dates, unless otherwise specified herein, or unless good cause is demonstrated by the Carrier;

8.6.1.1 Annual Report one hundred twenty (120) days after the end of the reported period; and

8.6.1.2 Special and additional reports as may be prescribed by the Commission unless good cause to the contrary is demonstrated.

8.7 Forbearance from Filing Applications for Approval Under 26 ***Del. C.*** §215(a) and 215(b).

8.7.1 A qualified carrier (as defined below) need not file an application for approval of the financial and asset transactions set forth in 26 ***Del. C.*** §215(a)(1), (a)(2), or (a)(3).

8.7.2 Except in the case of transactions described below, a qualified carrier (as defined below) need not file for approval of mergers or consolidations under 26 ***Del.C.*** §215(a)(1) or transfers of control under 26 ***Del.C.*** §215(b). However, if the other entity involved in such proposed transaction is a carrier certificated in this State that, in the preceding year, reported annual gross intrastate revenues of $2,500,000 dollars, a qualifying carrier must continue to file an appropriate application for merger or transfer of control under 26 ***Del.C.*** §215(a)(1) and 215(b). An entity is involved in the transaction if:

8.7.2.1 it is a party to the merger agreement;

8.7.2.2 it is the entity to be acquired in the merger or transfer of control by the qualified carrier or its corporate parent;

8.7.2.3 it is the entity acquiring the qualified carrier; or

8.7.2.4 it will, as a result of the transaction, be owned by the same corporate owner as the qualified carrier.

8.7.3 A qualified carrier is a carrier:

8.7.3.1 that does not provide or offer local exchange and intrastate exchange access voice services;

8.7.3.2 that is currently certificated and that has held such certification for at least one year;

8.7.3.3 that had less than $2,500,000 in annual gross intrastate revenues, as reported in the carrier's timely filed Annual Gross Revenue return submitted under 26 ***Del. C.*** §215(e); and

8.7.3.4 that does not operate its network from a principal place of business in Delaware.

8.7.4 A qualified carrier shall include in its Annual Report under Rule 10.1, the date and natural of any mergers or transfers of control occurring the preceding calendar year.

8.7.5 If any transfer of control, merger, or other similar transaction shall result in the change of the corporate, or trade, name of the certificated qualified carrier, the qualified carrier must file, within 10 days after such transaction, a statement identifying the new name of the certificated carrier.

8.7.6 The forbearance from filing granted by Rule 10.5.1 and 10.5.2 do not relieve any carrier of the obligation to file for abandonment of service under 26 ***Del. C.*** §203a, nor does such forbearance remove the obligation that any new entity created by a merger, transfer of control, or other transaction obtain a Certificate of Public Convenience and Necessity from the Commission.

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9.0 Enforcement

9.1 Commission Oversight.

The Commission shall have the authority and the discretion to take such action, upon complaint, motion, or formal or informal investigation, to remedy any alleged violations of these Rules. The Commission shall have available to it all remedies and enforcement powers bestowed by statute and consistent with due process.

9.2 Violation and Penalties.

Failure of a Carrier to comply with any provision of these Rules may result in the suspension or revocation of its CPCN, and/or of the imposition of monetary or other penalties as authorized by 26 ***Del. C.*** §§217 and 218.

9.3 Proceedings.

~~Upon application by any person affected, including the Division of the Public Advocate or another Carrier, or upon its own motion, the Commission may conduct a proceeding to determine whether a Carrier has violated any provision of these Rules. Such proceeding shall be conducted according to the Commission's Rules of Practice and Procedure.~~

~~9.4 Investigations.~~

~~For the purpose of determining whether it is necessary or advisable to commence a proceeding, the Commission or its Staff may, at any time, investigate whether a Carrier is in compliance with these Rules. Upon request, the Carrier shall provide to the Commission or its Staff sufficient information to demonstrate its compliance or noncompliance with the Rules, including such data as shall demonstrate that the Carriers' services are provided at rates that generate sufficient revenue to cover the incremental cost of offering that service.~~

~~9.5 Customer Complaints as Grounds for Proceeding or Investigation.~~

~~The Commission may hold a proceeding to determine whether to suspend or revoke the certificate of, or otherwise penalize any Carrier for reason of customer complaints. The Commission may investigate any customer complaints received.~~

~~**10.0 Waiver of Rules Upon Petition**~~

~~A Carrier may petition the Commission for waiver of a Rule or Rules on a temporary or permanent basis by demonstrating to the satisfaction of the Commission that a waiver is in the public interest or for other cause, including unreasonable hardship or burden. The Carrier shall comply with all Rules until the petition for waiver has been granted.~~

~~**4003 Regulations Governing the Minimum Service Requirements for the Provision of Telephone Service for Public Use within the State of Delaware**~~

~~**1.0 General Rules**~~

~~1.1 Authorization of Rules~~

~~The Public Utilities Act of 1974, 26 **Del. C.** §101 et. seq., of Delaware vests in the Public Service Commission of Delaware authority to formulate standards for such telecommunications service and facilities as it deem necessary to carry out the provisions of this law (26 **Del. C.** §209).~~

~~1.2 Application of Rules~~

~~There are herein set forth those regulations which shall apply to any telecommunications utility operating within the State of Delaware, under the jurisdiction of the Public Service Commission. These regulations shall become effective ninety (90) days after adoption by the Commission. These rules shall not prohibit or limit a telecommunications utility from maintaining or proposing changes in tariff regulations that interpret, expand or further define the provisions. However, in the event of a conflict between the rules and a telecommunications utility's tariff, the provisions of these rules shall prevail unless the tariff provision specifically references these rules and provisions exceptions thereto.~~

~~1.2.1 **Purpose.** These rules are promulgated to establish a comprehensive regulatory system to assure adequate service and to assure operations and services which are just and reasonable to the consumer and the utilities, and to establish the rights and responsibilities of both the utility and the consumer. These rules shall be given a fair and impartial construction to obtain these objectives and shall be applied uniformly regardless of race, color, creed, national origin, sex, or marital status. A telecommunications utility's temporary inability to meet the service standards set forth herein, due to a work stoppage or an Act of God that could not have been avoided by preventive measures normally taken in the telecommunications industry shall not subject the telecommunications utility to the imposition of penalties for noncompliance with~~

these rules. It is not the purpose of this regulation to authorize, permit, or enable intrastate competitive provision of telecommunications services for public use by entities which do not possess a certificate of public convenience and necessity issued by the Delaware Public Service Commission.

1.2.2 **Duties Under Other Statutes.** The adoption of these rules will not relieve in any way a utility or customer from any of its duties under the laws of the State of Delaware or the United States of America. This shall not be construed so as to alter in any form or manner the jurisdiction, powers or authority of the Commission or the substantive rights of any person.

1.2.3 **Exemption.** If unreasonable hardship to a utility results from the application of any rule or standard herein prescribed, or if unreasonable difficulty is involved in compliance, application may be made to the Commission for temporary or permanent exemption from its requirements, provided that the utility shall submit with such application a full and complete statement of its reasons for such application for exemption. Except in the case of an emergency, any exemptions, or any applications for exemptions, will be entertained by the Commission upon due notice to the customers, and after a hearing.

1.2.4 **Modification.** The adoption of these rules shall in no way preclude the Commission from altering or amending them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, either upon complaint or upon its motion or upon application by any utility.

1.2.5 **Violations and Penalties.** The Commission may exercise the powers and seek imposition of the penalties authorized by 26 **Del. C.** §217 when a telecommunications utility is in default of compliance with these rules.

1.3 Severability Clause

If any provision is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provisions or application, and to this end, the provisions of these rules are declared to be severable.

1.4 Repealer

All prior orders of the Commission which are inconsistent herewith are repealed to the extent of any such inconsistency.

2.0 Definition of Terms

The following words and terms, when used in these regulations, shall have the meaning indicated, unless the context clearly indicates otherwise.

"Act" - The Public Utilities Act of 1974 (26 **Del.C**. §101 et seq.).

"Alphabetical directory" - A document issued approximately annually containing alphabetical listing of customers and may include classified listings and advertisements of business customers.

"Applicant" - Any person, association, partnership, corporation, government agency, cooperative corporation, making a written or oral request for the commencement of or changes in telecommunications utility service.

"Application" - A written or oral request to a public utility for the commencement of or changes in telecommunications utility service.

"Business service" - Telecommunications service provided a customer where the use is primarily substantially of a business, professional, institutional or otherwise occupational nature.

"Busy hour" - The continuous one hour period of the day during which the volume of traffic is greater than during any other continuous one hour period of the same day.

"Busy season" - The calendar month or consecutive thirty (30) day period of the year during which the greatest volume of traffic is handled in a particular central office.

~~**"Central office"** - A switching unit in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.~~

~~**"Class of service or customer class"** - A description of telecommunications service provided to a customer which denotes such characteristics as nature of use (business or residential) or type of rate (flat rate or message rate). Classes may be further subdivided into grades such as individual or multiparty line denoting quality of service.~~

~~**"Commission"** - The Public Service Commission of Delaware.~~

~~**"Complaint"** - Any specific objection to charges on a billing statement, facilities, practices, or services of a telecommunications utility.~~

~~**"Complex service"** - The provision of a circuit requiring special treatment, special equipment, or special engineering design. This includes private lines, WATS, PBX trunks, rotary lines, special assemblies, etc.~~

~~**"Customer"** - Any person, firm, association, partnership, corporation, cooperative, organization, governmental agency, or any other legal entity which is currently receiving telecommunications utility service. A customer who moves to another location within the utility's service territory and requests that service be discontinued at the previous location and begun at the new location will be considered an existing customer rather than as an applicant for service.~~

~~**"Customer access line"** - A unit of measurement representing a telecommunications circuit designated for a particular customer. One customer access line shall be counted for each circuit which is capable of generating usage on the line side of the switched network or a private line circuit. Regardless of the quantity or ownership of customer premises, each party shall be counted as a separate customer access line.~~

~~**"Customer trouble report"** - Any oral or written report from a customer or user of telecommunications services received by any telecommunications utility relating to a physical defect, difficulty or dissatisfaction with the regulated service provided by the telecommunications utility's facilities. A separate report shall be written for each telephone line reported in trouble even when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause. One report shall be counted for each oral or written report received by any telecommunications utility even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report.~~

~~**"Exchange"** - A unit established by a local exchange carrier for the administration of telecommunications services in a specified area for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunications services within that area. An exchange has one point designated for the purpose of rating toll calls for all subscribers in the exchange.~~

~~**"Exchange carrier"** - A telecommunications utility that provides local exchange service.~~

~~**"Extended area service"** - A telephone switching and trunking arrangement which provides for calling service by local exchange carriers between two or more contiguous exchanges within a local access and transport area (LATA), provided at local exchange rates rather than at toll messages charges.~~

~~**"Facilities"** - All the plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any public utility, including any construction work in progress allowed by the Commission.~~

~~**"Grade of service"** - The number of parties served on a telecommunications circuit such as individual or multiparty line.~~

~~**"Interexchange Carrier"** - A telecommunications utility which provides interexchange telecommunications services.~~

~~**"Interoffice"** - Between central offices.~~

~~**"Line"** - A circuit or channel extending from a central office to the customer's location to provide local exchange service. One line may serve one individual line customer, or all customers served by a multiparty line.~~

~~**"Local exchange carrier"** - A telecommunications utility which provides local exchange service.~~

~~**"Local exchange service"** - Telecommunications service provided within service areas in accordance with the local exchange tariffs. It includes the use of exchange facilities required to establish connections between customer locations within the exchange and between customer access lines and the long distance facilities serving the exchange.~~

~~**"Local measured service"** - A type of local exchange service provided at measured rates.~~

~~**"Local message"** - A completed call between customer access lines located within the same local calling area.~~

~~**"Long distance carrier"** - A telecommunications utility that provides telecommunications services between exchanges where such service is not an integral part of local exchange service, such as extended area service or local measured service. Interexchange carriers are considered long distance carriers. Local exchange carriers are considered long distance carriers if they provide interexchange service such as message telephone service.~~

~~**"Message"** - A completed telephone call.~~

~~**"Message telecommunications service (MTS)"** - Telecommunications service rendered by long distance carriers which is furnished between customers in different local calling areas at rates contained in the MTS tariff rather than in a local exchange tariff.~~

~~**"Person"** - Any natural person, partnership, municipal corporation, cooperative corporation, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.~~

~~**"Premises"** - Any tract of land or real estate, including buildings and other appurtenances thereon.~~

~~**"Primary service"** - The initial provision of voice grade access between the customer's premises and the switched telecommunications network. This includes the initial connection to a new customer or the move of an existing customer to a new premises. This does not include: complex service or auxiliary items such as gongs or buzzers; on premises stations or wiring beyond the subscriber interface or, if no interface, beyond the first jack; or added main local exchange lines to premises already having service.~~

~~**"Private line"** - A circuit provided to furnish telecommunications service only between the two or more customer telephones or other terminal devices directly connected to it, and not having any direct connection with either central office or PBX switching apparatus.~~

~~**"Public telephone service"** - An individual line customer service equipped with a coin collecting or coinless public telephone instrument installed by an exchange carrier for the use of the general public in locations where the general public has access to these telephones.~~

~~**"Public utility"** - The definition of public utility is that definition given in the Public Utilities Act of 1974. (26 **Del. C.** §102(2))~~

~~**"Rate"** - Includes every compensation, tariff, charge, fare, fee deposit, toll, rental, and classification, or any of them demanded, observed, charged, or collected whether directly or indirectly by any public utility for any service, product, or commodity defined in the Public Utilities Act of 1974 , and any rules, regulations, practices, or contracts affecting any such compensation, tariff, charge, fare, fee, deposit, toll, rental or classification.~~

~~**"Regrade"** - An application for a different class and/or grade of service.~~

~~**"Repeated trouble report"** - A customer trouble report regarding a specific line or circuit occurring within thirty (30) calendar days of a previously cleared trouble report on the same line or circuit.~~

~~**"Service"** - Service is used in its broadest and most inclusive sense and includes any and all acts done, rendered, or performed and any and all things furnished or supplied, and any and all facilities, used, furnished, or supplied by public utilities in the performance of their duties under the Public Utilities Act of 1974 to their patrons, employees, other public utilities and the public, as well as the interchange of facilities between two or more of them.~~

~~**"Shall"** - The use of the word "shall" expresses a mandatory requirement.~~

~~**"Should"** - The use of the word "should" expresses a suggestion or guidance and is not mandatory.~~

~~**"Tariff"** - The schedule of a utility containing all rates, tolls, and charges stated separately by type or kind of service and the customer class, and the rules and regulations of the utility stated separately by type or kind of service and the customer class.~~

~~**"Telecommunications utility"** - Any person, firm, partnership or corporation engaged in the business of furnishing telecommunication services to the public by the authority of and under the jurisdiction~~

of the Public Service Commission of Delaware. This includes both local exchange and intrastate long distance carriers.

"Toll service" - See also Message Telecommunications Service.

"Traffic" - Telecommunications volume, based on number of calls and duration of messages.

"Trouble report" - An initial customer trouble report in which there is complete interruption of incoming or outgoing local exchange service. On multiple line services a failure of one central office line or a failure in common equipment affecting all lines is considered out of service. If an extension line failure does not result in the complete inability to receive or initiate calls, the report is not considered to be out of service.

"Trunk" - A circuit facility connecting two central offices.

3.0 **Records and Reports**

3.1 **Availability of Records.** All books, accounts, papers, records, and memoranda required by these rules or which are necessary for the administration therof, shall be open and available for examination by the Commission or its authorized representatives at all times.

3.2 Location of Records. All books, accounts, papers, records and memoranda of a telecommunications utility required by these rules or which are necessary for the administration thereof, shall be kept within an office within this State, and shall not be removed from this State, except upon such terms and conditions as may be prescribed by the Commission. This provision shall not apply to a utility which is authorized by the Federal Communications Commission to provide interstate common carrier services and whose accounts are kept at its principal offices outside this State. However, such utility, when required by the Commission, shall furnish the Commission, certified copies of its books, accounts, papers, records and memoranda relating to the business done by such public utility.

3.3 **Retention of Records.** All books, accounts, papers, records, and memoranda of a telecommunications utility required by these rules shall be preserved for the time period specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the Commission. If not otherwise specified by the Federal Communications Commission, customer billing records shall be retained at least two years.

3.4 **Records To Be Maintained.** Each telecommunications utility shall maintain records of its operations in sufficient detail to permit review of its compliance with the requirements herein, and such records shall be made available to the Commission or its authorized representative upon request.

3.5 Data to Be Filed With the Commission.

3.5.1 **Tariffs.** Unless otherwise permitted by Order of the Commission, each telecommunications utility shall have its tariff on file with the Commission in accordance with these rules and regulations governing the filing of tariffs. The tariff shall contain schedules of every classification employed showing the rates, tolls and charges for such service rendered in the State of Delaware and shall be in the following form and manner:

3.5.1.1 The first page in said tariffs shall be a title page stating the name of the telecommunications utility and stating its applicability to Delaware Intrastate Services.

3.5.1.2 All tariffs shall be loose leaf form of size 8 ½ x 11 inches, shall be plainly printed and shall be so arranged as to exhibit clearly the information herein required.

3.5.1.3 All tariffs for one telecommunications utility shall bear consecutive serial numbers commencing with No. 1 for each company, with the following prefix thereto: "P.S.C. Del.". Such prefix and number shall be printed or stamped on each page within the tariff. Each tariff may be divided into sections and, if so, the section number shall be shown on each tariff page.

3.5.1.4 Each tariff shall be provided with a table of contents and indexes to assist anyone seeking information.

3.5.1.5 A telecommunications utility shall either include the applicable portions of these rules in the provisions of its tariffs or shall make a copy of these rules available at every location that its tariffs are made available to the public or to company employees. Any portions of these rules included within a telecommunications utility's tariff shall be quoted verbatim, and not paraphrased or modified.

3.5.1.6 Every tariff and tariff amendment filed with the Commission shall be accompanied by a letter of transmittal stating the tariff changes requested, the reasons for the changes, and

~~the proposed effective date for said changes. The copies of the revised tariff pages and the cover letter shall be filed. If an additional copy of the cover letter is provided, it will be stamped and returned to the filing company as its receipt for the tariff covered thereby.~~

~~3.5.1.7 Unless the Commission otherwise orders, no change shall be made in any tariff with less than sixty (60) days' notice to the Commission. Said notice shall be the revised tariff pages and cover letter as described herein along with any cost studies or explanatory material the telecommunications utility may elect to file.~~

~~3.5.1.8 The Commission, for good cause shown, may allow changes in rates, tolls, charges, rules, regulations, classifications, exceptions, conditions or practices without requiring the sixty (60) days' notice. In such cases, the proposed change shall be filed with the Commission, together with an application for waiver of the statutory notice, setting forth the time when it is desired to put the change into effect and the reason or reasons therefore; but no such change shall become effective except as provided by order of the Commission. All such changes shall be immediately indicated upon its tariffs or schedules by the company concerned.~~

~~3.5.1.9 Changes in tariffs shall be made by reprinting the sheet upon which a change or addition is made, and such changed sheet shall be designated as a revised sheet, and shall be numbered consecutively. For example "First revised sheet 1, canceling original sheet 1". Each revised sheet shall show thereon the date of issue, the effective date and every change thereon shall be noted by margin notations as follows:~~

~~**C** - Change in regulation affecting application in rate~~
~~**D** - Deletion of rate or regulation~~
~~**I** - Increase in rate~~
~~**M** - Move of tariff material to a different page or location on a page~~
~~**R** - Reduction in rate~~
~~**T** - Text change in regulation that does not affect application of rate.~~

~~3.5.2 **Persons to Contact.** Each telecommunications utility shall file with the Commission, in addition to the designated resident agent, the name, title, business address and telephone number of the person(s) who should be contacted concerning utility service provided in Delaware.~~

~~3.5.3 **Exchange Maps.** Each local exchange carrier shall have on file with the Commission an exchange area boundary map for each of its exchanges within the State of Delaware. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on waterways, railroads, roads, etc. Maps shall include location of highways, section lines, railroads, and waterways outside municipalities. The map scale and other detail shall be shown as required by the Commission. Data associated with the exchange map shall be immediately available for public information at each business office for the area served by such office.~~

~~3.5.4 **Accident Reports.** Each telecommunications utility shall give prompt notice to the Commission in the event of a fatal or serious accident. Notification can be made by telephone or by telefax and followed by a written report of such accident. A full report is also required when any serious property damage shall have been caused by the utility. These reports shall be treated confidentially pursuant to 26 **Del. C.** §213.~~

~~3.5.5 **Service Reports.** Each telecommunications utility shall furnish to the Commission at such times and in such form as the Commission may require, the results of any service related tests, summaries or records in its possession. The utility shall also furnish the Commission with any information concerning the utility's facilities or operations which may be requested.~~

~~3.5.6 **Service Disruption Reports**~~

~~3.5.6.1 Utilities shall make all possible efforts to reestablish service in the shortest time practicable with due regard to safety.~~

~~3.5.6.2 When service is interrupted for scheduled repairs or maintenance, such work should be done at a time which will cause the least inconvenience to customers. The customers who would be affected should be notified prior to the scheduled interruption.~~

~~3.5.6.3 If any interruption affects or would affect the service to any public fire or law enforcement protection device or department, the utility shall immediately notify the official in charge of the affected agency.~~

~~3.5.6.4 Each telecommunications utility shall promptly report to the Commission any specific occurrence or development which disrupts the service of a substantial number of its customers (the smaller of 25% or 2,000 customers) for a time period in excess of one (1) hour, or which may impair the utility's ability to furnish service to a substantial number of customers.~~

~~4.0 Customer Service and Protection~~

~~4.1 Information Available to Customers~~

~~The customer should be the individual or entity responsible for payment for service. Service shall not be refused on the basis that the applicant is not the owner of the premises. Each telecommunications utility shall:~~

~~4.1.1 Maintain records showing the physical locations of its facilities. These records shall be made available for Commission inspection during normal working hours. Each business office or service center shall make available such other information as may be necessary to enable the utility to advise applicants, and others entitled to the information, as to the facilities available for serving that locality.~~

~~4.1.2 Upon request for service by a residential applicant or for a transfer of service by a residential customer, the utility shall if requested, inform the applicant or customer of the utility's lowest-priced alternatives available at the customer's location.~~

~~4.1.3 Post a notice in a conspicuous place in each office that is open to the public of the utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the Commission, are available for inspection.~~

~~4.1.4 Each utility shall provide to all new residential telecommunications utility customers, at the time service is initiated, printed material, i.e., a pamphlet or directory customer information pages containing the information required by this section. The information shall additionally be provided to all customers on at least a biennial basis. The printed material shall be entitled "Customer's Rights And Responsibilities." The information contained in the printed material shall include:~~

~~4.1.4.1 The customer's right to information concerning rates and services and the customer's right to inspect or obtain at reproduction cost a copy of the applicable tariffs and service rules.~~

~~4.1.4.2 The time allowed to pay outstanding bills.~~

~~4.1.4.3 Grounds for suspension of service.~~

~~4.1.4.4 The steps that must be taken before a utility may terminate service.~~

~~4.1.4.5 How the customer can resolve billing disputes with the utility and how disputes affect suspension of service.~~

~~4.1.4.6 Information on alternative payment plans offered by the utility, including, but not limited to, payment arrangements or link-up, as well as a statement that a customer has a right to request these alternative payment plans.~~

~~4.1.4.7 The steps necessary to have service reconnected after involuntary suspension.~~

~~4.1.4.8 That a grievance procedure exists that grants the customer a right to a supervisory review and right to file a complaint with the Commission regarding any matter concerning the utility's rates or service. The Commission's address and telephone number shall accompany this information.~~

~~4.1.4.9 That service cannot be discontinued because of non-payment of a disputed amount under investigation by the company.~~

~~4.1.4.10 No notice of discontinuance of service for non-payment of a disputed amount may be sent while the complaint is being investigated.~~

~~4.1.4.11 No deposit may be required on a disputed amount while the dispute is being investigated.~~

~~4.1.4.12 The hours, addresses, and telephone numbers of utility offices where bills may be paid and the information may be obtained.~~

~~4.1.4.13 The circumstances under which the utility may require a deposit or additional deposit; how a deposit is calculated; the interest paid on deposits; and the time frame and requirement for return of the deposit to the customer.~~

~~4.1.4.14 A statement that utility services are provided without discrimination as to a customer's race, nationality, color, religion, sex, or marital status, and a summary of the~~

~~company's policy regarding the provision of credit history based upon the credit history of the customer's former spouse.~~

~~4.1.4.15 Notice of any special services for customers with disabilities.~~

~~4.1.4.16 A toll free telephone number or the equivalent (such as an 800 number or permitting collect calls) will be provided for telecommunications utilities for repair service or billing inquiries.~~

~~4.1.4.17 Utilities shall encourage customers with physical disabilities and those who care for such customers, to identify themselves to the utility so that special action can be taken to inform these persons of their rights, where necessary and appropriate to that person's circumstances.~~

~~4.2 **Customer Complaints**~~

~~4.2.1 Upon complaint to the utility by a customer either at its offices, by letter, or by telephone, the utility shall promptly make a suitable investigation and advise the complainant of the results thereof.~~

~~4.2.2 Where a customer or applicant, having exhausted a telecommunications utility's internal problem-solving procedures, expresses dissatisfaction with the utility's report, the utility must advise in writing the customer or applicant of the right to have the problem considered and reviewed by the Commission, giving the customer or applicant the address and telephone number of the Public Service Commission.~~

~~4.2.3 Upon receipt of a complaint, either by letter or by telephone, from the Commission on behalf of a customer, the utility shall make a suitable investigation and advise the Commission of the results within thirty (30) calendar days. The Commission encourages all customer complaints to be made in writing to assist the Commission in maintaining records on the quality of service of each utility.~~

~~4.2.4 The utility shall keep a record of all complaints which shall show the identity of the complainant, the date and nature of the complaint and the adjustment or disposition thereof for a period of two (2) years subsequent to the final settlement of the complaint. Complaints with reference to rates or charges which required no further action by the utility need not be maintained.~~

~~4.3 **New Construction**~~

~~4.3.1 **Standards of construction.** In determining standard practice, the Commission will be guided by the provisions of the American National Standards Institute, Incorporated, the National Electrical Safety Code, and such other codes and standards that are generally accepted by the industry, except as modified by this Commission. Each utility shall construct, install, operate, and maintain its plant, structures, equipment, and lines in accordance with these standards, and in such a manner to best accommodate the public, and to prevent interference with service furnished by other public utilities insofar as practical.~~

~~4.3.2 **Line extension and construction charges.** Every utility shall include its line extension policy in its tariff. The policy shall be consistent, nondiscriminatory, and subject to the approval of the Commission.~~

~~4.4 **Response to Request For Service.** Every telecommunications utility shall serve each qualified applicant for service within its certificated area as rapidly as practical.~~

~~4.4.1 Applications for new telephone residential service requiring line extensions should be filled as quickly as possible and shall be filled within ninety (90) days unless unavailability of materials or other situations which are reasonably beyond the control of the utility cause unavoidable delays. Drop wire less than 300 feet in length which connects the utility distribution facility to the customer premises is not considered a line extension. For this rule, facility placement which requires a permit for a road or railroad crossing will be classed as a line extension.~~

~~4.4.2 If a line extension is required by other than a large business customer or if facilities are not available, the telecommunications utility shall inform the customer within ten (10) working days of receipt of the application, giving the customer an estimated completion date.~~

~~4.4.3 In the event that residential service is delayed in excess of ninety (90) days after an applicant has met credit requirements and made satisfactory arrangements for payment of any required construction charge, a report shall be made to the Commission listing the name, location and cause for delay. Unless such delays are due to causes which are reasonably beyond the control of the utility, delay in excess of ninety (90) days shall constitute refusal to serve, and consideration may be given to revoking the certificate of convenience and necessity or to granting a certificate to another utility to serve the applicant or refusal may~~

~~be considered in arriving at a proper equity return or the Commission may take such further action as it deems appropriate.~~

~~4.4.4 Compliance by the applicant.~~

~~4.4.4.1 Any utility may decline to serve an applicant until such applicant has complied with the State and municipal regulations and approved rules and regulations of the utility on file with the Commission governing the service applied for or for the following reasons:~~

~~4.4.4.1.1 If the applicant's installation or equipment is known to be hazardous or of such character that satisfactory service cannot be given.~~

~~4.4.4.1.2 If the applicant is indebted to the utility for the same kind of regulated intrastate service (business or residence) as that applied for. In the event the indebtedness of the applicant is in dispute, the applicant shall be served upon complying with the deposit requirement in these rules (relating to Deposits and Credit Standards).~~

~~4.4.4.1.3 For refusal to make a deposit if the applicant is required to make a deposit under these sections.~~

~~4.4.4.2 Applicant's recourse. In the event that the utility shall refuse to serve an applicant under the provisions of these sections, the utility must inform the applicant of the basis of its refusal and that the applicant may file a complaint with the Commission.~~

~~4.4.4.3 Insufficient grounds for refusal to serve. The following shall not constitute sufficient cause for refusal of service to a present customer or applicant:~~

~~4.4.4.3.1 delinquency in payment for service by a previous occupant of the premises to be served.~~

~~4.4.4.3.2 failure to pay for merchandise, or charges for non-utility service purchased from the utility.~~

~~4.4.4.3.3 failure to pay a bill caused by previous under billing due to misapplication of rates more than six (6) months prior to the date of application.~~

~~4.4.4.3.4 violation of the utility's rules pertaining to operation of nonstandard equipment or unauthorized attachments which interferes with the service of others, or other services such as communication services, unless the customer has first been notified and been afforded reasonable opportunity to comply with said rules.~~

~~4.4.4.3.5 failure to pay a bill of another customer as guarantor thereof, unless the guarantee was made in writing to the utility as a condition precedent to service.~~

~~4.4.4.3.6 failure to pay the bill of another customer at the same address except where the changes of customer identity is made to avoid or evade payment of a utility bill. A customer may request a supervisory review if the utility determines that evasion has occurred and refuses to provide service.~~

~~4.4.4.3.7 for refusal to pay charges billed on behalf of another carrier.~~

~~4.5 **Billing**~~

~~4.5.1 **Due Date.** The due date for payment of a monthly bill for utility service shall be no less than twenty (20) days from the date of mailing by the telecommunications utility to the customer after issuance. If the last day for payment should fall on a Saturday, Sunday, or bank holiday or other day when the offices of the telecommunications utility which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.~~

~~4.5.2. **Rendering and form of bills.** Billing for telecommunications service should normally be rendered monthly and shall show:~~

~~4.5.2.1 The date of the bill.~~

~~4.5.2.2 The due date on or before which payment must be received to avoid an account being considered delinquent.~~

~~4.5.2.3 The beginning and ending dates of the billing period for local exchange service.~~

~~4.5.2.4 The amounts due for local exchange service and the charges for toll service, local usage, taxes and applicable surcharges during the current billing period shall be shown separately.~~

~~4.5.2.5 An itemized statement of toll charges listing the date, time destination, duration, and rate period for each toll call.~~

~~4.5.2.6 The total amount of all payments and other credits made to the account during the current billing period.~~

~~4.5.2.7 The amount of late payment charges, if applicable.~~

~~4.5.2.8 The total amount due.~~

~~4.5.2.9 A statement that a rate schedule, an explanation of how to verify the accuracy of a bill, and an explanation of the various charges, if applicable, can be obtained by calling the local business office of the utility.~~

~~4.5.2.10 At least annually and upon request of the customer, the telecommunications utility shall provide an itemization of all service, equipment and other recurring charges appearing on the bill.~~

~~4.5.2.11 Customer billings sent through the United States mail will be sent in an envelope.~~

~~4.5.2.12 In the event a customer's service is interrupted other than by negligence or willful act of the customer, and it remains out of order for 24 hours or longer after access to the premises is made available and after being reported to be out of order, appropriate adjustment or refunds shall be made to the customer. The amount of adjustment or refund shall be determined on the basis of the known period of interruption, generally beginning from the time the service interruption was first reported. The refund to the customer shall be the pro rata part of the month's flat rate charges for the period of days and that portion of the service facilities rendered useless or inoperative. The refund may be accomplished by a credit on a subsequent bill for telephone service.~~

~~4.5.3 **Charges for Services.** For services or functions whose rates are approved by or subject to tariffs on file with the Commission, telecommunications utilities shall not charge disconnect fees, membership fees, application fees, service call fees or any other type of fee except as provided for in the tariff of the utility.~~

~~4.5.4 **Over billing and under billing.** If billings for utility service are found to differ from utility's lawful rates for the services being purchased by the customer, or if the utility fails to bill the customer for such service, a billing adjustment shall be calculated by the utility.~~

~~4.5.4.1 **Refunds of overcharges.** If the customer is due a refund, an adjustment shall be made for the entire period of overcharges. If an overcharge is adjusted by the utility within ninety (90) days of the bill in error, interest shall not accrue. Unless provided in this section, if an overcharge is not adjusted by the utility within 90 days of the bill in error, interest shall be applied to the amount of the overcharge at the rate set by the Commission herein for payment on deposits. Interest on overcharges that are not adjusted by the utility within 90 days of the bill in error shall accrue from the date of payment. Interest shall not apply to payment arrangements .~~

~~4.5.4.2 **Back billing of undercharges.** If the customer was undercharged, the utility may back bill the customer for the amount which was under billed. The back billing is not to exceed six (6) months unless the utility can produce records to identify and justify the additional amount of back billing. However, unless the under billing was the result of deliberate customer action to cause under billing, the utility may not disconnect service if the customer fails to pay charges arising from an under billing more than six (6) months prior to the date the utility initially notified the customer of the amount of the undercharge and the total additional amount due. If the under billing is $25.00 or more, the utility shall offer the customer a payment arrangements option for the same length of time as that of the under billing.~~

~~4.5.5 **Payment Arrangements.** A payment arrangement is any arrangement or agreement between the utility and a customer in which an outstanding bill will be paid in installments that extend beyond the due date of the next bill. The telecommunications utility, through its employees, shall exercise good faith and fair judgment in attempting to enter into a reasonable payment agreement regarding undisputed amounts or to otherwise equitably resolve the matter. Factors to be taken into account when attempting to make a reasonable payment agreement shall include but not be limited to the size of the unpaid balance, the payment history of the customer and the length of time over which the bill accumulated. The telecommunications utility may not suspend service for an undisputed delinquent bill under the following circumstances: (1) while it is negotiating a payment agreement with the customer; or (2) within 24 hours after negotiating fails. In all other cases, the utility is encouraged to offer a payment arrangement to residential customers.~~

~~4.5.6 **Disputed bills.**~~

~~4.5.6.1 In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility shall forthwith make such investigation as shall be required by the particular case, and report the results thereof to the customer and, in the event the dispute is not resolved, shall inform the customer of his or her right to file a complaint with the Commission in accordance with 4.2.1.~~

~~4.5.6.2 Notwithstanding any other section of these rules, a telecommunications utility's customer's service shall not be subject to discontinuance for nonpayment of that portion of a bill under dispute pending the completion of the investigation of the dispute by the utility. Nor shall suspension notices nor demands for additional deposits be made during this period.~~

~~4.5.7 **Notification of alternative payment programs or payment assistance.** Any time a customer contacts the utility to discuss their inability to pay a bill or to indicate that they are in need of assistance with their bill payment, a utility representative shall inform the customer of all available alternative payment and any payment assistance programs that are available, such as payment arrangements, suspension moratoriums for the ill, and of the eligibility requirements and procedures for applying for each.~~

~~4.6 **Deposits and Credit Standards**~~

~~4.6.1 **Applications for Residential Service** - Where an applicant's credit is not established, a deposit in the maximum amount of $50.00 per residence may be required as security for the payment of future bills for telephone service. No deposit shall be required if the applicant has had prior telephone service billed in the applicant's name and provided by a telecommunications utility subject to these rules and is not indebted to said telecommunications utility on account of such prior service, has established a history of timely payments and has not had service suspended for non-payment. In the absence of prior credit history with a telecommunications utility subject to these rules, a deposit may be required unless the applicant provides satisfactory evidence of one of the following:~~

~~4.6.1.1 Employment with the same employer for a period of one (1) year prior to the date of application.~~

~~4.6.1.2 Ownership of real estate where service is to be installed.~~

~~4.6.1.3 A written lease of one (1) year or more for the premises at which service is to be installed.~~

~~4.6.2 **Applicants for Business Service** - Where an applicant's credit is not established, a deposit in the maximum amount of $90.00 per line may be required as security for the payment of future bills for telephone service. No deposit shall be required if the applicant has had prior business telephone service billed in the applicant's name and provided by a telecommunications utility subject to these rules and is not indebted to said telecommunications utility on account of such prior service, has established a history of timely payments and has not had service suspended for non-payment.~~

~~4.6.3 Residential service deposits may be retained by the telecommunications utility for one year and business service deposits may be retained for two years. The deposit plus interest shall be returned to the customers by check after the retention period if the account is not delinquent at the time.~~

~~4.6.4 **Existing customers (Business Service and Residence Service)** - When the telecommunications utility determines a customer's credit to be doubtful or service is suspended for non-payment, a deposit may be required. The amount of a cash deposit shall not exceed the customer's average two (2) month bill, including toll charges, during the preceding twelve (12) month period. Deposits may be adjusted to maintain a level equal to the average two (2) month bill.~~

~~4.6.5 Interest at the rate of 9% per annum unless a different rate is specified in the telecommunications utility's tariff, will be paid by the telecommunications utility on the amount of the deposit, for the period it is retained and, where the deposit is retained for a period in excess of one year, interest will be paid annually through a credit to the customer's account.~~

~~4.6.6 Each new customer, from whom a deposit is required, shall receive a written description of the deposit policy as set forth herein.~~

~~4.7 **Discontinuance of Service**~~

~~4.7.1 **Suspension for delinquent bills.** A customer's telecommunications service may be disconnected if a bill has not been paid or a payment arrangement has not been entered into within thirty (30) days from the date of mailing of a bill provided proper notice has been given. Proper notice shall consist of a separate mailing or hand delivery at least ten (10) days prior to a stated date of suspension. The notice shall contain the following:~~

~~4.7.1.1 The words "suspension notice" or similar language prominently displayed on the notice.~~

~~4.7.1.2 The reason for the threatened suspension of service.~~

~~4.7.1.3 A statement of amounts currently due, and of any required deposit.~~

~~4.7.1.4 A statement that a specific reconnection fee will be required to have service restored after it has been suspended if applicable.~~

~~4.7.1.5 A statement that the customer should immediately contact the utility to attempt to resolve the matter. Such notice shall include the mailing address and telephone number where questions may be filed answered and payment agreements entered into with the utility.~~

~~4.7.1.6 Attached to or on the face of the suspension notice for telecommunications bills shall appear a statement notifying the customer that if they are in need of assistance with payment of their bill, or are ill and unable to pay their bill, they may be eligible for alternative payment programs, such as a payment arrangement, and to contact the local office of the utility for more information.~~

~~4.7.1.7 The service suspension day may not fall on a holiday or weekend, but shall fall on the next working day after the tenth day. Payment at the utility's authorized payment agency is considered payment to the utility. The company may request customers who pay at payment agencies less than three days prior to the suspension date to call the company with receipt information. The company shall not issue late notices or disconnect notices to the customer earlier than the first day the bill becomes delinquent, so that a reasonable length of time is allowed to ascertain receipt of payment by mail or at the utility's authorized payment agency.~~

~~4.7.2 **Suspension with notice.** Utility service may be disconnected after proper notice for any of the following reasons:~~

~~4.7.2.1 Nonpayment of an undisputed delinquent account or the undisputed portion of an account where a dispute exists as to part but not all of an amount billed by a telecommunications utility or failure to comply with the terms of a payment arrangement.~~

~~4.7.2.2 Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation.~~

~~4.7.2.3 Failure to comply with deposit or guarantee arrangements where required by these rules.~~

~~4.7.3 **Suspension without notice.** Utility service may be disconnected without notice where a dangerous condition exists for as long as the condition exists or where service is connected without authority by a person who has not made application for service or who has reconnected service following suspension of service for nonpayment. Where reasonable, given the nature of the hazardous condition, a written statement providing notice of suspension and the reason therefore shall be posted at the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected.~~

~~4.7.4 **Suspension prohibited.** Utility service may not be disconnected for any of the following reasons:~~

~~4.7.4.1 Delinquency in payment for utility service by a previous occupant of the premises.~~

~~4.7.4.2 Failure to pay for merchandise, or charges for non-utility service provided by the utility.~~

~~4.7.4.3 Failure to pay for a different type or class of service unless the service is provided by the billing utility and unless the fee for such service is included on the same bill.~~

~~4.7.4.4 Failure to pay the account of another customer as guarantor thereof, unless the utility has in writing the guarantee as a condition precedent to service.~~

~~4.7.4.5 Failure to pay charges arising from an under billing occurring due to misapplication of rates more than six (6) months prior to the current billing.~~

~~4.7.5 **Suspension on holidays or weekends.** Unless a dangerous condition exists, or unless the customer requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the utility are not available to the public for the purpose of making collections and reconnecting service.~~

4.7.6 **Disconnection due to utility abandonment.** No telecommunications utility may abandon a customer or a certificated service area without written notice to its customers therein and all similar neighboring utilities, and prior approval from the Commission.

4.7.7 **Suspension for ill and disabled.**

4.7.7.1 No local exchange carrier shall suspend or refuse to restore service to a dwelling when an occupant in the dwelling is certified by a physician or Christian Science practitioner to be seriously ill and affected with a medical condition which will be aggravated by a complete cessation of service. These rules shall not prohibit a local exchange carrier from limiting the use of such service to those calls necessary to the health of the seriously ill person.

4.7.7.2 If, before suspension of service, a local exchange carrier employee is informed that an occupant is seriously ill or is affected with a medical condition, and that the occupant will be endangered by a cessation of service, and that a medical certification will be procured, suspension shall not occur for at least 3 days. Service may be suspended if no certification is produced within the 3 day period. Certifications initially may be written or oral, subject to the right of the local exchange carrier to verify the certification by calling the physician or Christian Science practitioner or to require written confirmation within 7 days.

4.7.7.3 All certifications, whether written or oral, shall include all of the following information:

4.7.7.3.1 The name, address and telephone number of the customer in whose name the account is registered.

4.7.7.3.2 The name and address of the afflicted person and the afflicted person's relationship to the customer.

4.7.7.3.3 The nature and anticipated length of the affliction.

4.7.7.3.4 The name, office address and telephone number of the certifying physician or Christian Science practitioner.

4.7.7.3.5 The specific reason why access to telephone service must be maintained, including the localities in which it is necessary for calls to be placed to.

4.7.7.4 Service shall not be suspended for the period specified in the medical certification; however, the maximum length of the certification shall be 30 days. If no time is specified or if the time is not readily ascertainable, service shall not be suspended for at least 30 days. An initial certification may be renewed for an additional period of up to 30 days in the same manner provided for the initial certification.

4.7.7.5 When service is required to be restored due to emergency medical certification, the local exchange carrier shall make a diligent effort to have service restored on the date of the medical certification. Service shall be restored before the end of the next working day. Each local exchange carrier shall have employees available or on call to restore service in emergencies.

4.7.8 **Resolution of disputes.** Any customer or applicant for service requesting the opportunity to dispute any action of a utility shall be given an opportunity for a supervisory review by the utility. If the utility is unable to provide a supervisory review immediately following the request for such review, arrangements for the review shall be made for the earliest possible date. Service shall not be disconnected pending completion of the review. If the customer chooses not to participate in such review or to make arrangements for such review to take place within five (5) days after requesting it, the company may disconnect service, providing notice has been issued under standard disconnect procedures. Any customer who is dissatisfied with the review by the utility must be informed of their right to file a complaint with the Public Service Commission of Delaware. The results of the supervisory review must be provided in writing to the customer within ten (10) days of the review, if requested.

4.8 **Continuity of Service**

4.8.1 **Service Interruptions**

4.8.1.1 Every public utility shall make reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service within the shortest reasonable time.

4.8.1.2 Each utility shall make reasonable provisions to meet emergencies resulting from failure of service, and each utility shall issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of service.

4.8.1.3 In the event of national emergency or local disaster resulting in disruption of normal service, the utility may, in the public interest, interrupt service to other customers in order to provide necessary service to civil defense or other emergency service agencies on a temporary basis until normal service to these agencies can be restored.

4.8.2 Each utility shall keep a complete record of all interruptions, both emergency and scheduled. This record shall show the cause for interruptions, date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent reoccurrence.

4.8.3 In case any change is made by the utility in the type of service rendered which would adversely affect the efficiency of operation or the adjustment of the equipment of customers, all customers who may be affected shall be notified by the utility at least sixty (60) days in advance of the change or if such notice is not possible, as early as feasible. Where adjustments or replacements of the utility's standard equipment must be made to permit use under such changed conditions, adjustment shall be made by the utility without charge to the customers.

4.8.4 Telecommunications utilities may delay dial tone or establish other load controls to limit usage during periods when, due to disaster or other causes, traffic increases above normal levels by such an amount as to overload the network and endanger the completion of emergency calls. These delays and load controls shall only be utilized for so long as the emergency or extraordinary traffic load exists.

4.8.5 Telecommunications utilities may temporarily interrupt service to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State, or National emergency. Each telecommunications utility shall establish procedures to be followed by its employees to prevent or mitigate interruption or impairment and provide prompt notification to affected customers. Service may be interrupted only as long as necessary to protect the health of safety to the public, to protect property, or to remedy the situation which necessitated the interruption.

5.0 Quality of Service

5.1 **Directories and Telephone Numbers**

5.1.1 Telephone directories shall normally be published annually, listing the names, addresses, and telephone numbers of all customers, except public telephones and telephone services unlisted at customers' requests.

5.1.2 Customers shall be provided one listing at no charge in directory assistance and in the alphabetical directory which contains their city/town service address.

5.1.3 Upon issuance, a copy of each directory shall be distributed for all customer access lines served by that directory and, if requested, one extra copy per customer access line. A copy of each directory shall be furnished to the Commission.

5.1.4 The name of the local exchange carrier, an indication of the area included in the directory, and the month and the year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

5.1.5 The directory shall contain instructions concerning placing local and long distance calls on the network of the company issuing the directory, calls to repair and directory assistance services, and locations and telephone numbers of local exchange carrier business offices as may be appropriate to the area served by the directory. It shall also contain a section setting out sample long distance rates within the long distance service area on the network of the company issuing the directory applicable at the time the directory is compiled for publication with a clear statement that the published rates are effective as of the date of compilation.

5.1.6 Each local exchange carrier shall list each customer with directory assistance within 72 hours after service connection (except those numbers not listed at the customer's request) in order that the directory assistance operators can provide the requested telephone numbers based on customer names and addresses.

5.1.7 All unassigned telephone numbers shall be intercepted unless otherwise approved by the Commission.

5.1.8 Disconnected residence telephone numbers shall not be reassigned for 30 days and disconnected business numbers shall not be reassigned, unless requested by the customer, for 30 days or

~~the life of the directory, whichever is longer unless no other numbers are available to provide service to new customers.~~

~~5.1.9 If a customer's number is incorrectly listed in the telecommunications utility's alphabetical directory and if the incorrect number is a working number and if the customer to whom the incorrect number has been assigned requests, the number shall be changed at no charge. If the incorrect number is not a working number and is a usable number, the customer's number shall be changed to the listed number at no charge if requested.~~

~~5.1.10 When additions or changes in plant or changes to any other local exchange carrier operations necessitate changing telephone numbers to a group of customers, at least 30 days written notice shall be given to all customers so affected even though the additions and changes may be coincident with a directory issue.~~

~~5.1.11 If the customer requests, the customer's street address shall be deleted from the directory and the customer's locality shall be shown.~~

~~**5.2 Emergency operation**~~

~~5.2.1 Each local exchange carrier's central office not equipped with permanently installed standby generators shall contain as a minimum three hours of battery reserve without voltage falling below the level required for proper operation of all equipment if a permanent emergency generator is installed and eight hours if one is not. It is also essential that all central offices have adequate provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected on short notice.~~

~~5.2.2 In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.~~

~~**5.3 Inspections and tests**~~

~~5.3.1 Each telecommunications utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system and rendition of safe, adequate, and continuous service.~~

~~5.3.2 Each telecommunications utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities. The actual transmission performance of the network shall be monitored in order to determine if the service objectives in this chapter are met. This monitoring function shall include, but not be limited to, circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, test of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the network.~~

~~5.3.3 Each central office shall be equipped with a 1,000+20 hertz, one milliwatt test signal generator and a 900 ohm balance termination device wired to telephone numbers so that they may be accessed for dial test purposes. Each telecommunications utility shall advise the Commission of the numbers assigned for these test terminations.~~

~~**5.4 Calibration.** Telecommunications utilities shall calibrate test equipment, timing devices and other equipment against established standards at periodic intervals such that accuracy within normal industry accepted limits is reasonably assured. Calibration records shall be available for Commission inspection.~~

~~**5.5 Service Objectives.** The objective service levels are based on monthly averages, except for dial service and transmission requirements, which are based on specific samples. Telecommunications utilities shall make measurements to determine the level of service for each item included in these rules. Each telecommunications utility shall provide the Commission with the measurements and summaries thereof for any of the items included herein on request of the Commission. In addition, if the telecommunications utility conducts customer service opinion surveys, these surveys shall be considered by the Commission as measures of customer service opinion (See Section 5.9) of the services provided where the Company demonstrates to the Commission's satisfaction that the survey is a valid and reliable measure of customer service opinion for the categories in question. Records of these measurements and summaries shall be retained by the telecommunications utility as specified by the Commission.~~

~~Among the factors which the Commission will consider in determining whether customer service opinion survey results are valid and reliable measure of customer service opinion are the following:~~

~~5.5.1 whether a proper universe of customers was selected;~~

~~5.5.2 whether a representative sample was drawn from that universe;~~

~~5.5.3 whether the mode of questioning the interviewees was neutral, non-leading, non-suggestive, easily understood and otherwise correct;~~

~~5.5.4 whether the data was gathered and reported accurately;~~

~~5.5.5 whether the survey was conducted by an independent organization disinterested in the results;~~

~~5.5.6 whether the sample design, questionnaire and interviewing techniques were otherwise in accordance with generally accepted standards and procedures for the conduct of reliable public opinion surveys and the production of statistically valid results.~~

~~**5.6 Installation of service.** Unless otherwise provided by the Commission.~~

~~5.6.1 ninety-five percent of the local exchange carrier's service orders for installing primary service for order of less than 20 lines shall be completed within five working days, excluding those orders where a later date was specifically requested by the customer.~~

~~5.6.2 ninety eight percent of the local exchange carrier's non-primary service orders shall be completed within twenty (20) days of receipt of an application, excluding those orders where a later date was specifically requested by the customer.~~

~~5.6.3 each local exchange carrier shall establish and maintain installation time commitment guidelines for the various complex services that are contained in its tariff. Those guidelines should be available for public review and should be applied in a nondiscriminatory manner.~~

~~5.6.4 the installation interval measurements outlined in subparagraphs A) - C) of this paragraph shall commence with either the date of application or the date on which the applicant qualifies for service, whichever is later.~~

~~5.6.5 if the local exchange carrier elects, it may collect data on the basis of seven calendar days. In that case, these requirements shall pertain to seven calendar days in lieu of five working days.~~

~~5.6.6 the local exchange carrier shall provide to the customer a due date on which the requested installation or change shall be made. If a customer requests that the work be done on a regular working day later than that offered by the local exchange carrier, then the customer's requested date shall be the commitment date. If a customer's presence is required for access and the customer indicates that the premises is not normally occupied during the day, the local exchange carrier shall offer an appointment period with the customer for morning or afternoon, on the due date. Where an appointment cannot be kept by the local exchange carrier, the local exchange carrier shall attempt to notify the customer by a telephone call and schedule a new appointment. If unable to gain access to the customer's premises during the scheduled appointment period, the local exchange carrier representative shall leave a notice at the premises advising the customer how to reschedule the work.~~

~~5.6.7 ninety percent of the local exchange carrier's commitments to customers as to the date of installation of service orders shall be met excepting those customer-caused delays.~~

~~5.6.8 the installation interval and commitment requirements of 5.5.6.1.1 through 5.5.6.1.3 of this paragraph do not include service orders either to disconnect service or to make record changes on a customer's account.~~

~~5.6.9 a held regrade order is one not filled within 30 days after the customer has made application for a different grade of service except where the customer requests a later date. In the event of the local exchange carrier's inability to so fill such an order, the customer will be advised and furnished the date when it will be available. The number of held regrade orders shall not exceed 1.0% of the total number of customer access lines served.~~

~~**5.7 Operator Handled Calls**~~

~~5.7.1 Telecommunications utilities providing operator services shall maintain adequate personnel to provide an average operator answering performance as follows for each exchange on a monthly basis:~~

~~5.7.1.1 Ninety percent (90%) of toll and assistance operator calls answered within 10 seconds, or average answer time shall not exceed 4.0 seconds.~~

~~5.7.1.2 Eight-five percent (85%) of repair service calls, calls to business office, and other calls made during normal working hours shall be answered within 20 seconds (equivalent measurements may be used).~~

~~5.7.1.3 Eighty percent of directory assistance calls shall be answered within 10 seconds or the average answer time shall not exceed 8.0 seconds.~~

~~5.7.1.4 If the customer reaches an operator service other than that provided by the local exchange carrier, by dialing "0", the operator service must, upon customer request, connect the customer to the operator service provided by the local exchange carrier and at the same location the customer would have otherwise reached at no charge.~~

~~5.7.1.5 Any long distance carrier that can be reached by dialing "0" from any telephone shall be prepared to provide assistance to any caller trying to obtain emergency assistance. This shall include having telephone numbers of emergency service providers in all areas of the State of Delaware and instructing operators how to complete such calls promptly.~~

~~5.7.1.6 Where any telephones are arranged by or in cooperation with a long distance carrier to provide access to operator services other than those provided by the local exchange carrier by dialing "0" or 1+ said telephones shall be plainly marked noting that (a) the operator that answers is an alternative operator service and (b) that connections with other operators, including the local exchange carrier operators, are available on request.~~

~~5.7.2 An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept the information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an "answer".~~

~~5.7.3 Telecommunications utilities may measure answer time on a toll center or operating unit basis in lieu of measuring answer time in each exchange unless specifically requested by the Commission.~~

~~**5.8 Local Dial Service.** Each local exchange carrier shall provide and maintain central office and interoffice channel capacity and equipment to achieve the following minimum service requirements during the average busy season, busy hour:~~

~~5.8.1 Ninety-eight percent of all calls shall be provided a dial tone within three seconds.~~

~~5.8.2 At least ninety-seven percent of all correctly dialed calls (local and intrastate toll combined) shall be completed. For purposes of this section, completion is accomplished when either a ringing or busy signal resulting only from use of the called line occurs.~~

~~**5.9 Long Distance Service**~~

~~5.9.1 Engineering and maintenance of the trunk and related switching components in the toll network for each telecommunications utility providing intrastate toll service shall be such as to permit 95% completion on properly dialed calls, without encountering failure because of blockages or equipment irregularities on its network.~~

~~5.9.2 Long distance carriers shall not provide service to any premises that blocks access to other long distance carriers.~~

~~5.9.3 Any long distance provider that does not wish to meet the requirements of (A) & (5.8) above may apply to the Commission for an exemption provided that all customers and all applicants for service are advised of the grade of service that the utility does provide and consent in writing thereto.~~

~~**5.10 Customer Trouble Reports**~~

~~5.10.1 The local exchange carrier shall maintain its network service in such a manner that the average monthly rate of customer trouble reports, excluding customer premises equipment (CPE) reports, shall not exceed five (5) reports per 100 customer access line in each exchange.~~

~~5.10.2 The local exchange carrier shall provide to the customer a commitment time by which the trouble will be cleared. If a premises visit is required, the local exchange carrier shall establish an appointment period with the customer for the morning or afternoon. When an appointment cannot be kept by the local exchange carrier, the local exchange carrier shall attempt to notify the customer by a telephone call and schedule a new appointment. If unable to gain access to the customer's premises during a scheduled appointment period, the local exchange carrier representative shall leave a notice at the premises advising the customer how to reschedule the work.~~

~~5.10.3 At least 90% of out-of-service trouble reports on service provided by the local exchange carrier shall be cleared within 24 hours of notification.~~

~~5.10.4 Each local exchange carrier shall establish procedures to ensure the prompt investigation and correction of trouble reports so that the percentage of repeated trouble reports on residence and single line business lines does not exceed 20% of the total customer trouble reports on those lines.~~

~~**5.11 Transmission Requirements**~~

~~5.11.1 **Interoffice Trunking.** All voice-grade trunk facilities shall conform to accepted transmission design factors and shall be maintained to meet the following objectives when measured from the trunk terminals of the originating central office to the trunk terminals of the terminating central office.~~

~~5.11.1.1 Interoffice local exchange service calls. Excluding calls between central offices in the same building, 95% of the measurements on the network of the local exchange carrier should have from two to ten decibels loss at 1000+20 hertz and no more than 30 decibels above reference noise level ("C" message weighing).~~

~~5.11.1.2 Direct distance dialing. Ninety-five percent of the transmission measurements should have from three to twelve decibels loss at 1000+20 hertz and no more than 33 decibels above reference noise level ("C" message weighing).~~

~~5.11.1.3 Upon application to the Commission, and after Commission approval, utilities that have different measurements and data collection standards that are reasonably expected to ascertain that these standards are met may collect and maintain that data in lieu of the data specified in this section.~~

~~5.11.2 **Subscriber lines.** All newly constructed and rebuilt subscriber lines shall be designed for a transmission loss of no more than eight decibels from the serving central office to the customer premises network interface. All subscriber lines shall be maintained so that transmission loss does not exceed 10 decibels. Subscriber lines shall in addition be constructed and maintained so that metallic noise does not exceed 30 decibels above reference noise level ("C" message weighing) on 90% of the lines. Metallic noise shall not exceed 35 decibels above reference noise level ("C" message weighing) on any subscriber line.~~

~~5.11.3 **PBX and multiline hunt local exchange access lines.** PBX and multiline hunt local exchange access lines, installed after the effective date of these regulations, shall be designed and maintained so that transmission loss does not exceed 5.5 decibels.~~

~~**5.12 Service Observing.** Before any telecommunications utility provides equipment or otherwise assists a business telephone customer utilizing service observing equipment to monitor calls originated by or received at the business telephones, the customer must inform all employees that calls over the business telephone are subject to being monitored.~~

~~**5.13 Traffic Usage Studies.** In all local exchange and long distance carrier central offices traffic usage studies shall be performed at least annually. Traffic usage studies shall include at least five consecutive days and shall include a usage record on a least an hourly basis. The usage record shall be CCS (hundred second calls) or similar measurement (peg counts are not acceptable for this purpose). Record of the most recent study shall be maintained and made available on request for Commission review. Usage may be recorded directly by way of traffic usage recording devices or programs or may be computed from customer billing records so long as such computations are designed to accurately indicate usage levels.~~

~~**5.14 Engineered Grade of Service.** Telecommunications utilities shall install and maintain adequate trunks and switching equipment to achieve a P.01 grade of service in each switch or final trunk group during the busy hour of the busy season. Such grade of service shall be determined using the Wilkinson B or other similar traffic tables that give recognition to the type of switching employed and the traffic patterns that exist. This requirement shall not apply to trunk groups that are not final groups so long as customers' calls will be routed to a final group engineere P.01 if the first choice (non-final) group is busy.~~

~~**5.15 Subscriber Evaluation**. Any telecommunications utility utilizing customer service opinion surveys shall be required to provide these results to the Commission if requested. These measurements may be used by the Commission, along with the applicable technical measurements, to evaluate telecommunications utility's quality of service.~~

~~The survey results of the telecommunications utility in the following categories can be considered as gauges of customer satisfaction:~~

~~Residence Installation~~
~~Residence Maintenance~~
~~Residence Service Center~~
~~Small Business Installation~~
~~Small Business Maintenance~~
~~Business Service Center~~

~~Directory Assistance~~
~~Call Completion~~

E X H I B I T "C"

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE SALE, RESALE, AND OTHER PROVISIONS OF INTRASTATE TELECOMMUNICATIONS SERVICES (OPENED MAY 1, 1984; REOPENED NOVEMBER 17, 1998; REOPENED JULY 24, 2001; REOPENED AUGUST 9, 2005; REOPENED AUGUST 19, 2014)	PSC REGULATION DOCKET NO. 10
IN THE MATTER OF THE DEVELOPMENT OF REGULATIONS FOR THE FACILITATION OF COMPETITIVE ENTRY INTO THE TELECOM-MUNICATIONS LOCAL EXCHANGE SERVICE MARKET (OPENED NOVEMBER 21, 1995; REOPENED NOVEMBER 17, 1998; REOPENED JULY 24, 2001, REOPENED AUGUST 9, 2005; REOPENED AUGUST 19, 2014)	PSC REGULATION DOCKET NO. 45
IN THE MATTER OF THE PROPOSED ADOPTION OF REGULATIONS GOVERNING THE MINIMUM SERVICE REQUIREMENTS FOR THE PROVISION OF TELEPHONE SERVICE FOR PUBLIC USE WITHIN THE STATE OF DELAWARE (OPENED DECEMBER 13, 1988; REOPENED AUGUST 19, 2014)	PSC REGULATION DOCKET NO. 20

PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE PUBLIC SERVICE COMMISSION'S "RULES FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES" AND "REGULATION GOVERNING THE MINIMUM SERVICE REQUIREMENTS FOR THE PROVISION OF TELEPHONE SERVICE FOR PUBLIC USE WITHIN THE STATE OF DELAWARE"

TO: ALL TELECOMMUNICATIONS CARRIERS, ALL CONSUMERS, AND OTHER INTERESTED PERSONS

In 2001, the Public Service Commission ("PSC ") adopted “Rules for the Provision of Telecommunications Services” (“Telecom Rules”) to govern its regulatory oversight of telecommunications carriers operating within Delaware. Those Rules apply to all current telecommunications carriers.

By PSC Order No. 8618 (Aug. 19, 2014), the PSC now proposes to amend those Telecom Rules. The proposed changes are a result of new legislation (H.B.96) which was effective on July 15, 2013. This bill was enacted to reflect the competitive environment that now exists for telecommunications services. The legislation reduced the oversight of the PSC while it retained oversight of basic services.

The text of these proposed rules are attached to PSC Order No. 8618. That Order and the exhibits are reproduced in the December 2013 edition of the Delaware Register of Regulations. The Order and exhibits can also be reviewed on-line at the PSC’s website at www.state.de.us/delpsc. You can also obtain a paper copy of the Order at the PSC’s Dover office. Those paper copies will cost $0.25 per page.

You can file written comments, suggestions, briefs, compilations of data, or other materials concerning these proposed amendments to the Telecom Rules. Such material (10 copies or file online to our Delafile system) must be submitted to the Commission on or before Friday, November 7, 2014. Send the material to the Commission’s Dover office at the following address:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building
Suite 100

Dover, Delaware, 19904
Attn: PSC Reg. Dckts. Nos. 10, 45 & 20

In addition, the PSC will conduct a public hearing on these proposed changes on Wednesday, November 19, 2014, beginning at 10:00 AM. The hearing will take place in the Third Floor Conference Room of the Carvel State Office Building, 820 North French Street, Wilmington, Delaware. You can submit additional materials then.

If you are handicapped and might need assistance or aids in participating in this matter, please contact the PSC to discuss the needed assistance or aids. You can contact the PSC with questions or requests about this matter at the Commission's toll-free telephone number (800) 282-8574 (Delaware only) or (302) 739-4333 (including text telephone). You can also send inquiries by Internet e-mail addressed to psc@state.de.us.